

## **REMARKS**

By this paper, claims 1, 5-14, 16, and 17 are amended. No claims are added or cancelled. Accordingly, claims 1-14, 16, and 17 are all of the pending claims. Support for the amendments presented above is provided throughout the specification and claims as originally filed. Applicants expressly reserve the right to prosecute the subject matter of the unamended and/or cancelled claims, or any other subject matter supported by the Specification, in one or more continuation applications. In view of the foregoing Amendment and the following Remarks, reconsideration and allowance of all the pending claims is anticipated.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 13, 16, and 17 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,182,022 to Mayle. Applicants traverse this rejection at least on the grounds that Mayle does not disclose each and every feature of the claimed invention. However, solely in an effort to expedite prosecution, Independent claims 1, 13, 16, and 17 have been amended to clarify various aspects of the claimed invention.

#### **I. Claims 1 and 16**

The rejection of claims 1 and 16 based on Mayle should be withdrawn at least because the sections of Mayle relied on in the Answer do not disclose all of the features of claims 1 and 16 as amended.

For example, claims 1 and 16 both have been amended to recite the following features that are not disclosed in the sections of Mayle cited in the Answer:

...defining a first set of threshold eras such that the threshold eras of the first set of threshold eras are periodic at an era frequency and have a common era length;

defining a plurality of metric threshold periods that occur within each threshold era of the first set of threshold eras such that **the metric threshold periods do not overlap each other and occur within the threshold eras of the first set of threshold eras at predetermined times within the threshold eras**, the plurality of metric threshold periods including a first metric threshold period and a second metric threshold period;...

determining if the preselected variable is currently breaching the threshold during a threshold era included in the first set of

threshold eras, wherein determining if the preselected variable is currently breaching the threshold during a threshold era included in the first set of threshold eras comprises:

determining if the preselected variable is **breaching the first threshold during a first metric threshold period** of the current era included in the first set of threshold eras; and

determining if the preselected variable is **breaching the second threshold during a second metric threshold period** of the current threshold era included in the first set of threshold eras;....

Mayle discloses the determination of a threshold for an attribute that is being measured [c. 5, ll. 63-67]. The threshold is determined based on a running average (e.g., a “mean” value) of the attribute that changes overtime as the obtained values of the attribute change [c. 5, ll. 44-54]. For example, this is illustrated by the stepwise increases in threshold 304 illustrated in FIG. 3 of Mayle, which is reproduced below. As such, Mayle may disclose determining whether the attribute breaches one threshold during one period of time, and another threshold during a different period of time (e.g., where a new threshold has been computed). However, this does not read on the features of claims 1 and 16 reproduced above.

For instance, the “first metric threshold period” and the “second metric threshold period” recited in claims 1 and 16 “occur within the threshold eras... at predetermined times within the threshold eras.” Since “the threshold eras... are periodic at an era frequency and have a common era length,” the “first metric threshold period” and the “second metric threshold period” are also periodic at the era frequency. Accordingly, the application of the “first threshold” and the “second threshold” are periodic, as they are applied during the periodic “first metric threshold period” and the “second metric threshold period,” respectively.

By contrast, the threshold adjustment illustrated in FIG. 3 of Mayle, and the accompanying disclosure, merely describe an ongoing adjustment of a single threshold. A “first threshold” and a “second threshold” created by adjustment, as disclosed in Mayle, would not be applied periodically, as recited in claims 1 and 16. Thus, the sections of Mayle cited in the Answer do not disclose the features of claims 1 and 16 reproduced above.

## **II. Claims 13 and 17**

The rejection of claims 13 and 17 based on Mayle should be withdrawn at

least because the sections of Mayle relied on in the Answer do not disclose all of the features of claims 13 and 17 as amended.

For example, claims and 13 and 17 both have been amended to recite the following features that are not disclosed in the sections of Mayle cited in the Answer:

...defining a profile for the selected variables, **said profile including a plurality of different alarm rules**, the plurality of different alarm rules comprising a first alarm rule establishing an alarm test for the first selected variable, and a second alarm rule establishing an alarm test for the second selected variable;...  
in response to detecting that **one or both of the first alarm rule and/or the second alarm rule** are met, generating an output to the user connoting that one or more of the plurality of different alarm rules has been met such that the output identifies the profile for the selected variables to the user **without indicating which of the plurality of different alarm rules included in the profile for the selected variables has been met**.

Mayle appears to disclose individual alarms that are generated in accordance with alarm rules in response to a corresponding attribute exceeding a threshold [c. 4, ll. 1-14]. However, the sections of Mayle relied on in the Answer do not disclose grouping alarm rules into a "profile," nor do these sections of Mayle disclose "generating an output to the user... [that] identifies the profile for the selected variables to the user **without indicating which of the plurality of different alarm rules included in the profile for the selected variables has been met**." For at least this reason the rejection of claims 13 and 17 based on the cited sections of Mayle should be withdrawn.

### ***Rejections Under 35 U.S.C. § 103***

Claims 2-4 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mayle in view of U.S. Patent No. 6, 098,195 to Northcott ("Northcott"). Applicants traverse this rejection at least on the grounds that the proposed combination of Mayle and Northcott does not teach or suggest all of the features of claims 2-4 and 14.

For example, claims 2-4 and 14 depend from a corresponding one of claims 1 and 13. The sections of Northcott relied on in the Answer do not address the deficiencies of Mayle with respect to claims 1 and 13 set forth above. As such, the rejection of claims 2-4 and 14 based on the proposed combination of Mayle and

Northcott should be withdrawn due to the dependency of claims 2-4 and 14, as well as for the features that they recite individually.

Claims 5-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mayle in view of U.S. Patent No. 6,397,359 to Chandra *et al.* ("Chandra"). Applicants traverse this rejection at least on the grounds that the proposed combination of Mayle and Chandra does not teach or suggest all of the features of claims 5-12.

For example, claims 5-12 depend from claim 1. The sections of Chandra relied on in the Answer do not address the deficiencies of Mayle with respect to claim 1 set forth above. As such, the rejection of claims 5-12 based on the proposed combination of Mayle and Chandra should be withdrawn due to the dependency of claims 5-12, as well as for the features that they recite individually.

### **CONCLUSION**


Having addressed each of the foregoing objections and rejections, it is respectfully submitted that a full and complete response has been made and, as such, the application is in condition for allowance. Notice to that effect is anticipated.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

By:

  
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